

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/DTS)

This Document Relates To:

Norton, 16-cv-0026-JNE-DTS
Brunner, 16-cv-2880-JNE-DTS
Wireman et al., 16-cv-3293-JNE-DTS
Wollam, 17-cv-0039-JNE-DTS
Schilawski, 17-cv-0352-JNE-DTS
Miles et al., 17-cv-1235-JNE-DTS
Martz, 17-cv-1528-JNE-DTS
Laws, 17-cv-2518-JNE-DTS
Trinder, 17-cv-2874-JNE-DTS
Fletcher, 17-cv-3262-JNE-DTS
Torbeck et al., 17-cv-4054-JNE-DTS
Davis, 18-cv-0166-JNE-DTS

**DEFENDANTS' EIGHTH MOTION
TO DISMISS FOR FAILURE
TO COMPLY WITH PRETRIAL
ORDER NO. 23 AND FED. R.
CIV. P. 41(b) AND/OR 25(a)**

Pursuant to Pretrial Order No. 23 and Federal Rules of Procedure 25(a) and 41(b), Defendants 3M Company ("3M") and Arizant Healthcare Inc. ("Arizant") (collectively, "Defendants") respectfully move the Court to dismiss the following nine actions with prejudice for failure to comply with Pretrial Order No. 23 and Fed. R. Civ. P. 25(a) and 41(b):

Case Number	Title	Firm Name
16-cv-0026-JNE-DTS	<i>Norton v. 3M Co., et al.</i>	Meshbeshier & Spence, Ltd.
16-cv-2880-JNE-DTS	<i>Brunner v. 3M Co., et al.</i>	Bernstein Liebhard LLP
17-cv-0039-JNE-DTS	<i>Wollam v. 3M Co., et al.</i>	Raizner Slania LLP
17-cv-0352-JNE-DTS	<i>Schilawski v. 3M Co., et al.</i>	The Miller Firm, LLC

17-cv-1528-JNE-DTS	<i>Martz v. 3M Co., et al.</i>	Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, PA
17-cv-2518-JNE-DTS	<i>Laws v. 3M Co., et al.</i>	The Olinde Firm, LLC
17-cv-2874-JNE-DTS	<i>Trinder v. 3M Co., et al.</i>	Brown & Crouppen, PC
17-cv-3262-JNE-DTS	<i>Fletcher v. 3M Co., et al.</i>	Kennedy Hodges, LLP
18-cv-0166-JNE-DTS	<i>Davis v. 3M Co., et al.</i>	Johnson Becker, PLLC

In addition, Defendants move to dismiss the claims of plaintiffs Bonnie Wireman, Marvin Torbeck, and Joseph Miles with prejudice in *Wireman et al.*, 16-cv-3293-JNE-DTS, *Torbeck et al.*, 17-cv-4054-JNE-DTS, and *Miles et al.*, 17-cv-1235-JNE-DTS, respectively. Defendants do not move to dismiss their spouses' loss of consortium claims at this time.

As set forth in the Memorandum in Support of Defendants' Eighth Motion to Dismiss Cases for Failure to Comply with Pretrial Order No. 23 and Fed. R. Civ. P. 41(b) and/or 25(a), the above-referenced twelve (12) matters have failed to meet the requirements of this Court's Order and the federal rules, and dismissal is appropriate.

Dated: April 11, 2019

Respectfully submitted,

s/Benjamin W. Hulse

Jerry W. Blackwell (MN #186867)

Benjamin W. Hulse (MN #0390952)

Mary S. Young (MN #0392781)

BLACKWELL BURKE P.A.

431 South Seventh Street, Suite 2500

Minneapolis, MN 55415

Phone: (612) 343-3200

Fax: (612) 343-3205

Email: blackwell@blackwellburke.com

bhulse@blackwellburke.com

myoung@blackwellburke.com

***Counsel for Defendants 3M Company
and Arizant Healthcare Inc.***